



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JULY 16, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-80 Henkel Corp. v. Hartford Accident and Indemnity Co., S098242. (B134742; 88 Cal.App.4th 876.) Petitions for review after the Court of Appeal reversed the summary judgment in a civil action. This case includes the issue of whether a successor corporation is entitled to coverage under a predecessor corporation's liability policies for claims accruing before transfer of the business to the successor if the policies were not assigned to the successor and the predecessor cannot be sued on the claims.

#01-81 People v. Johnson, S097600. (A085450; 88 Cal.App.4th 318.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case includes the issue of whether the trial court, in finding that defendant failed to establish a prima facie case of discriminatory use of peremptory challenges under People v. Wheeler (1978) 22 Cal.3d 258, applied its "strong likelihood" standard in a manner more stringent than that permitted under the "reasonable inference" standard of Batson v. Kentucky (1986) 476 U.S. 79.

#01-82 Katzberg v. Regents of University of California, S097445. (C035456; 88 Cal.App.4th 147.) Petition for review after the Court of Appeal affirmed the judgment dismissing a civil action. The court limited review to the issue whether

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the department chair person at a university hospital, terminated following allegations of financial improprieties, has a claim for damages based on violation of his liberty interests under the state Constitution's due process provision.

#01-83 John L. v. Superior Court, S098158. (D035995, D036142, D036290; S098158; 88 Cal.App.4th 715.) Petitions for review after the Court of Appeal denied one and granted two petitions for writ of mandate. This case concerns whether the prohibition of ex post fact laws precludes application of amendments to Welfare and Institutions Code section 777(a), changing the quantum and nature of the proof required to revoke juvenile probation, where the conduct underlying the wardship determination occurred before the amendments but the conduct leading to revocation occurred after the effective date of the amendments.

#01-84 Rice v. Clark, S097456. (B139189.) Unpublished opinion. Petition for review after the Court of Appeal affirmed an order in a probate proceeding. This case concerns whether the phrase "caused to be transcribed" in Probate Code section 21350 refers only to those who cause an instrument to be copied or also refers to those who cause the testator to create an instrument.

#01-85 People v. Walker, S097725. (C030891; 88 Cal.App.4th 227.) Petition for review after the Court of Appeal modified and affirmed judgments of conviction of criminal offenses. This case concerns whether an on-bail enhancement (Pen. Code, § 12022.1) may be imposed on a sentence for failure to appear while on bail (Pen. Code, § 1320.5) A similar issue is before the court in People v. Sousa, S090886 (#00-135). (C030361.)

#01-86 People v. Hill, S097429. (A085595.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Mar, S086611 (#00-64), which concerns whether use of a stun belt on a criminal defendant during trial requires a showing of "manifest need."

#01-87 People v. Porter, S097459. (F033735.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of

criminal offenses. The court ordered briefing deferred pending decision in People v. Cornelius, S068743 (#00-94); People v. Acosta, S089120 (#00-104) and People v. Graves, S089533 (#00-105), each of which includes an issue concerning the propriety of further augmenting a sentence determined under the one strike law (Pen. Code, § 667.61) under the three strikes law (Pen. Code, § 667, (b)-(i)).

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